

**MINUTES  
DISTRICT ADVISORY BOARD  
DISTRICT IV**

June 7, 2000

7:00 p.m.

Stanley/Aley Community School Center, 1749 South Martinson

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**Members Present**

Council Member Gale

June Bailey

Dorman Blake

Chris Carraher

Mindy Johnson

Bonny Johnson-Patrick

Tom Kessler

Edwin Koon

Jerry McGinty

Paul Ward

Bea Vickers

**Members Absent**

None

**Guests**

Pete & Lois Chavez;

Tracy & Susan Volbe;

Brett & Sharon Corby;

Ron & Shirley Murray;

George Phillips;

Ruth Peck;

Donald Myer;

Hiep Le Van Nguyen;

M.R. Campbell;

R. Baker;

Ray Rancuret;

Richard Mellard;

Shelley Mellard;

Larry Smith

Patrick Pruitt

Terry Delau

Wayne Wells

Mary Gartland

Dwain Dien

Angie Rasette

A.S. Bamburger

Donna Taylor

Gene Rath

Mark Savoy

C.J. Hooper

Barry Carroll

Russell Jefferson

**ORDER OF BUSINESS**

At 7:00 p.m., **Council Member Bill Gale** called the meeting to order and welcomed guests.

**June Bailey (McGinty)** moved that the minutes be postponed until the neighborhood agenda to allow members time to study the copy. The motion passed (10-0).

-- OFF-AGENDA

**Council Member Gale** announced that police department representative Sgt. Bob Wiley would address the DAB on police department happenings in the Patrol West Bureau and removed Item #2 from the agenda as a representative from Great Plains Earth Institute was unable to attend.

**Chris Carraher (Koon)** moved the agenda be approved as amended. The motion passed (10-0).

**Council Member Bill Gale** announced that discussion of the fire relocation study will be on Wednesday June 21, 2000, at 7:00 p.m. in the City Council Boardroom or Chambers.

### **PUBLIC AGENDA**

**Council Member Bill Gale** asked if anyone in the audience would like to address the Board. There was no one in the audience requesting to speak on the agenda.

### **UNFINISHED BUSINESS**

#### **1. South Branch Library Update**

**Council Member Gale** stated that The City Council has approved funding for the South Branch Library and requested the item 1 be taken out of order and moved to the Neighborhood Agenda to accommodate city staff presentations and gallery members present for zoning and service extension issues.

### **NEW BUSINESS**

#### **2. Extension of Water Distribution Systems**

**Gene Rath, Assistant City Engineer, Public Works**, presented information on a petition received by public works for extension of water distribution systems for an area South of 55<sup>th</sup> Street South and West of Broadway. Total cost of the project is budgeted at \$505,000, with 11% paid by the Water Utility Fund and 89% assessed to property owners on a square footage rate. The rate paid by consumers is \$.16 per square footage.

**Rath** asked for questions from board members, none were asked.

**Sharon Corby**, 5731 South Broadway, inquired if assessment was equal for vacant and developed lots. **Rath** yes, it is based on the total square footage of the lot, regardless of use.

**Bret Corby**, 5731 South Broadway, stated that his property is located partially within this petition district and also in another extension of water distribution services. He questioned whether he would be charged twice. **Rath** stated that the assessment would only be for the square footage with in the petition district. If additional property overlaps into another petition district, the assessment would be for the square footage of land within that petition district.

**Corby** questioned why assessment would be made to a vacant lot. **Rath** stated the assessment is applied based on future potential use. **Corby** questioned whether he could split his lot to avoid assessment. **Rath** yes a lot split is possible, however the assessment would still be applied.

**Larry Smith**, 2802 West Savannah, questioned if the “tap” fee is included \$.16. **Rath** explained, the tap fee is not included in the \$.16 per square foot assessment.

**Pam Dauffing**, address unknown, stated that the purpose of the petition was to improve the quality of life for residents within the district and inquired if agricultural land could be excluded from assessment. **Rath** stated that property must currently be in agricultural use and cannot be platted, he continued the Council could amend the existing ordinance or grant a deferral.

**Council Member Gale** questioned previous timeframes for similar projects. **Rath** did not commit to a time frame, as the process must under go public disclosure and request for proposals.

**Tracy Volbe**, 5833 South Jones, inquired if existing wells could remain in use. **Rath** stated yes but systems must remain separate from municipal water and sewer services.

**Mindy Johnson** questioned if the area assessed was only the area within the petition zone. **Rath** it was.

**Bailey** stated that she wanted to help the older lady with agriculture land because she felt the assessment was too much for a senior citizen on a fixed income.

**Johnson-Patrick** inquired if calls were received. **Rath** indicated that public works did not receive any calls or inquires.

**Carraher (McGinty)** moved for approval as presented to the DAB. The motion passed 10-0).

### **3. Closure of Davis Street between Vine and Fern Streets**

**Gene Rath**, Assistant City Engineer, Public Works Department, presented information on a petition received by property owners in the area to permanently close the street. **Rath** introduced **Pat Pruitt**, Supervisor of Street Maintenance, and stated that this project was more of a traffic engineering and storm water drainage project; however, since receiving the petition for closure, the issue must be addressed. The Project is not scheduled to go before the City Council because he wanted to gage the receptiveness of the project from **Council Member Gale**, the public, and the DAB. No traffic study was performed and generally described the roadway as being in poor shape, with paved streets on the properties fronting Fern and Vine. The most desired approach from the city’s perspective is to close the street with posts and barricades with the possibility of constructing turn-arounds. There is no staff recommendation with this project as it was generated by a citizen request.

**Rath** inquired if there were questions from DAB members. Questions were then taken from the audience.

**May Stuart**, 1522 West 47<sup>th</sup> Street South, stated that she is considering purchasing land located at D-201-UP in the diagram provided by **Rath** and questioned what would happen to the property once the roadway is closed. **Rath** stated responsibility for care and maintenance of the right-of-way would revert to the original parcels current owner of record. If a vacation occurs, he would consider recommending a turn around. **Stuart**, stated that she desires access to the property and is opposed to closure.

**Pete Chavez**, 4721 South Millwood, inquired if the roadway would be leveled and surfaced. **Pruitt** such work is possible and would likely occur.

**Shirley Murray**, 4722 South Vine, commented on a problem with dumping and dust build up from the dirt street. She believes that traffic flow is minimal but speed of the vehicles traveling the narrow roadway is excessive.

**Chavez** continued pursuing the poor condition of the roadway surface. **Pruitt** stated that poor drainage causes the problems described by Mr. **Chavez** and that dirt streets are the most expensive of all roadway surfaces in the city to maintain because of labor and opportunity costs.

**Pat Swart**, address unknown, stated that a manhole cover was broken and a valve was exposed in the roadway. **Pruitt** inquired if it was the manhole cover was located on the south side of Millwood on Davis by the fence. **Swart** indicated in the affirmative, and **Pruitt** stated that he would personally investigate the matter the following day.

**Johnson-Patrick** asked about standards for a no outlet sign. **Rath** stated that such signs would be placed south on Millwood and Fern Streets, a short distance south of the intersection, using common sense to cover all intersections and line of sight issues.

**Chavez** inquired if dirt would be brought in to fill and level the roadway. **Pruitt** said it would likely occur.

**Council member Gale** asked for the DAB to direct questions to Mr. **Rath** and Mr. **Pruitt**.

**Edwin Koon & Tom Kessler** stated vacation was an appropriate measure and that ownership should revert to the proper parcel owners.

**Council Member Gale** inquired into the particulars of the vacation process. **Rath** explained that vacation would revert the right of way land area to the appropriate parcel owners prior to the eminent domain taking. Vacation is a legal procure and requires unanimous consent of the landowners affected, in this case approximately six landowners. After unanimous consent is given through a petition, the vacation process is heard by the sub-committee of the Metropolitan Area Planning Commission, which forwards its recommendation to the full MAPC, which in turn passes its recommendation onto the Wichita City Council.

**Carraher** raised the question of this hearing as a preliminary public hearing. **Rath** did not desire to comment as the issue may be a matter for the Law Department.

**Koon** recommended closure to allow residents to pursue vacation proceedings.

**Paul Ward** inquired to the issue of utility easements. **Rath** responded that easements would apply if warranted, regardless of the closure venue pursued.

**Carraher (Vickers)** motioned to approve the closure as presented.

**Johnson** questioned the verification of original ownership and specific parcels and the responsibility to provide turn arounds for residents. **Carraher**, made a point of order as a previous motion was under consideration. Johnson requested a point of information, directed to **Rath**, without objection, no objection was received. **Rath** commented that the developers would customarily pay for any turnarounds and that the intersection at Millwood and Davis Streets would likely get such a turn around and that legal documents on record would provide the answers to proper ownership.

The motion passed (10-0).

### **PLANNING AGENDA**

#### **4. Zone Case 2000 – 13 (Associated with Con 2000 – 00009)**

**Barry Carroll**, Associate Planner, Metropolitan Area Planning Department, presented information on a request for zone change on the property generally located South of 31<sup>st</sup> Street South and West of Walnut Street. The applicant **Gene Vitarelli**, 935 South Woodlawn, is requesting a zoning change from “SF-6” Single-Family Residential to “TF-3” Two Family Residential. Mr. Vitarelli has deferred this matter from an earlier MAPC hearing so the District Advisory Board could hear the matter. The matter is scheduled on Thursday, June 15, 2000.

**Carroll** stated that the applicant has dropped the request for a conditional use permit due to neighborhood opposition; however, the staff report prepared for this case indicates the zone change would be conducive with the comprehensive plan and that the plan should be approved subject to a dedication of an additional two feet for utility easement, creating a twelve foot utility easement.

**Bailey** inquired on the lot size and the reason for the request. **Carroll** stated that the lot size is 55’ X 152’ and that the request was based on the applicant’s desire to improve traffic flow and increase population density in the area, also conducive to comprehensive plan.

**Carraher** inquired if calls or protest petitions have been received by the MAPD and **Carroll** indicated that several letters and petition in opposition have been received.

**Council Member Gale** stated that the proceeding would now here from the agent representing the applicant.

**Mark Savoy**, agent for the applicant, stated that the original conditional use application would have doubled the number of units on the lot; however, the applicant is interested in neighborhood input, which is why the conditional use has been dropped. The applicant is only interested in pursuing the zone change to "TF-3".

**Carraher** asked if the applicant was willing to dedicate the two feet recommended by staff for utility easements. **Savoy** stated the applicant was willing.

**Johnson** raised her concern over the single-family integrity of the existing zoning code and the architectural design of the two duplexes. **Savoy** stated that contemporary architecture would be utilized and that he did not feel the integrity of the neighborhood would be compromised because the actual density was not increasing.

**Bailey** asked a question regarding the number of stories the duplex would have and **Savoy** stated that he did not know if the design was one or two stories; however, the design includes a single 22' single car garage with a parking space in the front of the garage and the intent is to place the two garages together.

**Council Member Gale** allowed questions from the audience.

**Ruth Peck**, 3255 South Walnut, owns the property immediately adjacent to the property in question and she is opposed to the zone change. She fears it will harm the single-family integrity of the neighborhood and decrease property values. She feels renters do not exhibit the same ownership in the immediate community and neighborhood that a homeowner would. She would like to see some architectural designs.

**Hiep Le Van Nguyen**, 3234 South Seneca, opposes the zone change because he feels renters will increase crime in the area.

**Donald Myers**, 3244 South Seneca owns the property adjacent to the property in questions and commented that single-family precedence has been established and should be maintained. St. Francis wanted a zone change and it was denied because it would have destroyed the single-family integrity of the neighborhood.

**Savoy** stated that a site plan exist but the neighbors have not viewed it and reminded the gallery that a modular home could be placed on site in a single-family zone.

**Donnah Taylor**, 514 West 34<sup>th</sup> Street South, commented that new homes were constructed after the tornado and duplexes would destroy the single-family motif that currently exists.

**Johnson Patrick** asked to see the petition, which was provided by **Carroll** who stated that the validity of the petition had not been authenticated to verify all signatures are within the 200' zone.

**Ward** stated he was concerned about the neighborhoods single-family integrity.

**Kessler** questioned Savoy if the act of dropping the conditional use was a temporary measure to get the applicants "foot in the door" and reapply for a conditional use permit after the duplexes are built. **Savoy** stated he was unaware of any such intent.

**McGinty** stated that he is aware of the neighbors concern and cannot support the applicant's request.

**McGinty (Johnson-Patrick)** motioned to against recommendation of the zone change, which passed (9-1).

At 8:50 p.m. **Johnson-Patrick (Vickers)** motioned for a five-minute recess, motion passed (10-0).

At 8:55 p.m. a quorum was present for all DAB members and agenda items resumed.

The amended agenda item including the police department was removed from the agenda for lack of a representative.

**Council Member Gale** provided follow-up on previous planning cases heard by the DAB. Zoning case Z-3354 1229 Orient Boulevard was passed by the Wichita City Council as recommend by the DAB and MAPC. No action has been taken by the applicant to date. Zoning case Z – 2000-06 1117 and 1121 West Dayton was approved by the MAPC as a neighborhood office and denied the zone change for a large garage. The Wichita City Council approved the measure as recommended by the MAPC.

**Ward** inquired if a building could be constructed and **Gale** replied the applicant could construct a residential garage.

## **TRAFFIC AGENDA**

### **5. DAB Traffic Task Force**

**Bailey** and **Johnson-Patrick** reported on outcome of their presentations at the other District Advisory Board meetings. **Johnson-Patrick** commented that she attended Districts I and II DAB meetings and that District II did not appoint any members to the ad hoc committee. District I appointed three volunteers and a community police officer commended the committee's intent to study the process of accident valuation estimation by officers. **Bailey** attended Districts III, V, and VI and reported that District V did not appoint members, but that Districts III and VI did appoint three members each.

**Bailey** stated that the police department is willing to participate and that a night will be selected to hold meetings and that information would be distributed to the DAB's not participating.

**Carraher** questioned the potential of future involvement by districts not participating. **Bailey** stated that involvement in the committee is an open invitation and that DAB's not participating are welcome.

**Council Member Gale** reported on the establishment of the manager's access management taskforce and requested volunteers to participate.

**Johnson-Patrick** inquired on meeting dates and times. **Gale** replied that they are not yet established.

**Bailey** wanted to consider postponing the appointment until the date and times have been established.

**Carraher** recommended that a newcomer to the citizen participation process be the appointment.

**Council Member Gale** inquired if anyone was interested in the appointment, **McGinty** stated that he would participate and was appointed unanimous consent.

## **NEIGHBORHOOD AGENDA**

### **6. Tire Amnesty Program**

**Council Member Gale** reported that Sedgwick County is offering a tire amnesty program for residents of Sedgwick County, tires may be delivered to Sedgwick County West Yard, 4701 South West Street and Sedgwick County North Yard, 10530 East 37<sup>th</sup> Street North. Hours of operation for these facilities is Saturday June 17, 7:00 a.m. – 7:00 p.m. And Monday, June 19 – Friday, June 23, 7:00 a.m. – 4:00 p.m., and Saturday, June 24, 7:00 a.m. – 7:00 p.m. Citizens are limited to the delivery of 100 tires per day.

**Southwest Village** will hold its meeting on Tuesday, June 12.

**Vickers** did not have a report.

**Southwest** elected a new board; President, Les Osterman; Vice President, Reid Bennet; Secretary, Peggy Bennett; Treasurer, Eugene Crockett; Member at Large, Harry Heinrich. The Channel 3 Weather Van attended the last meeting. Next meeting will be at St. Anne's.

**Orchard Breeze** next meeting is June 15, at Kiwanis Park; the neighborhood newsletter will be published on June 16; September 16, will be the Party in the Park in conjunction with the annual car show.



**Koon** commented on the Library Board's recent action to recommend the location at South Meridian.

**Delano** recently met with the neighborhood consultant and plan to have a formal plan by the fall. The fire relocation study is a hot topic for the neighborhood as Fire Station #4 is scheduled for closure. A neighborhood picnic is scheduled for September 24 at Friends University. The next meeting is scheduled for June 20.

**Blake** reported on the success and on-going work of neighborhood clean-ups in his community.

**South Area** is promoting child seat identification labels, **Kessler** reported that an ice cream social is being planned; however a date has not been established. **Bailey** inquired on the contact person for the child seat presentation and **Kessler** replied that he does not have the information but will acquire the information and pass it along.

**Sunflower** had its meeting on June 1, and Officer Mellard reported on scams occurring in the area. June 10, the neighborhood will attend a Wrangler's game and an ice cream social is planned for July 6.

**Officer Tony Bamberger** reported on the upcoming South Seneca Cruisers on June 12, at Burger King, the agenda includes noise awareness, hearing loss, and the 50' noise ordinance.

**Bailey** inquired if the website address could be published in future minutes and agendas.

**Patrick-Johnson** desired an updated roster.

The meeting was adjourned at 9:37 p.m.

Respectfully Submitted,

Brian W. Silcott